

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte FREDERICK M. AUSUBEL,
LAURENCE G. RAHME,
MAN-WAH TAN,
GARY B. RUYKIN,
SHALINA MAHAJAN-MIKLOS
ANNEGIEN BROEKS,
RONALD H.A. PLASTERK
GEORG JANDER, and
JACQUELINE HEARD

Application No. 08/962,750

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 29, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

MAILED

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application No. 08/962,750

We are unable to locate the Schroth reference relied upon by the Examiner (Examiner's Answer, Paper No. 23, mailed September 9, 2002) in the administrative file.

Accordingly, it is

ORDERED that the application is returned to the Examiner to provide a complete copy of the missing reference (Schroth), and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in cursive script, reading "Dale M. Shaw", written over a horizontal line.

Dale M. Shaw
Program and Resource Administrator
(703) 308-9797

Application No. 08/962,750

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RA03-0171